

DETAILED ACTION

The instant application having Application No. 10/577589 is presented for examination by the examiner. Claims 22-46 are pending. Claims 22, 29, 30, and 46 have been amended.

Response to Amendment

Claim Objections

Claims amendments have overcome the previous objections.

Claim Rejections - 35 USC § 112

Claims amendments have overcome the previous 112 rejections.

Response to Arguments

Applicant's arguments with respect to claims 22 and 46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-42 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/43414 to **Mostafa** in view of USP 6,963,972 to Chang et al, hereinafter **Chang** and in view of USP 7,296,295 to Kellerman et al., hereinafter **Kellerman**.

As per claim 22, Mostafa teaches a method of transmitting user data objects [media content] to a first telecommunications terminal, which comprises the following steps:

receiving by a switching component [MMS Replay A] of a telecommunications network, a user data object to be transmitted to the first telecommunications terminal with a reference [address] (pg. 7, lines 6-7);

the switching component determining, a profile [recipient data] (pg. 7, line 23) relating to capabilities of the first telecommunications terminal to process a user data object (pg. 6, lines 19-20);

transmitting, in accordance with an address contained in the reference for checking whether the user data object to be transmitted is suitable for processing by the first telecommunications terminal (pg. 7, lines 25 and pg. 17, lines 6-8);

transmitting, from the data provisioning component to the switching component, information relating to a result of the check on the suitability of the user data object to be

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transmitted for the first telecommunications terminal (pg. 6, lines 21-23 and pg. 19, line 5); and

the switching component processing, the user data object in accordance with the information relating to the check, and notifying the first telecommunications terminal thereof (pg. 7, line 5).

Mostafa is silent in explicitly disclosing that the user data object is encrypted. Chang teaches a similar content relay system in which the user data objects are encrypted (col. 4, lines 1-11). Mostafa is also silent in teaching that the switching component (relay) does not have access to a content of the encrypted user data object due to the encryption. Chang teaches a system whereby end-to-end security can be achieved using encryption including preventing the relays devices between the source and destination from decrypting the content (col. 4, lines 12-19 and col. 11, lines 20-33). Chang teaching a transcoder which can perform the transcoding without decrypting the content. In Mostafa, the relays provide transcoding. Therefore if the relays could transcode the data without decryption, the security of the system is improved. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Chang into the system of Mostafa because it increases the overall security of the system.

Mostafa is silent in explicitly teaching transmitting by the switching a request together with the determined profile of the first telecommunications terminal to the data provisioning component. Mostafa does teach the relay [switching component] knows the capabilities of the device and that they are stored in the database at the server

(page 19, lines 1-10). The question is then how did it acquire said capabilities.

Kellerman teaches sending a profile of the device from the switching component to the server with the request to transcode the content into a format compatible with the device's system (col. 6, lines 50-61). This is one obvious way in which the system acquires knowledge of the device's usability of the user data object. The claim is obvious because one of ordinary skill in the art can combine known elements which produce predictable results. The result is predictable because the system of Mostafa already needed to know the device's capabilities and therefore sending the device's profile is an obvious way of performing the determination.

As per claim 23, Mostafa teaches the encrypted user data object and the reference are provided in a container object (pg. 3, lines 17).

As per claim 24, Mostafa teaches transmitting the encrypted user data object from a second telecommunications terminal to the switching component, for forwarding to the first telecommunications terminal (pg. 17, lines 5-10).

As per claim 25, Mostafa teaches the step of determining the profile relating to the capabilities of the first telecommunications terminal comprises sending a query to a database of the telecommunications network wherein the terminal device characteristics are stored [stored in MMS server] (pg. 18, lines 26-27 and pg. 19, lines 24-30).

As per claim 26, Mostafa teaches determining the profile relating to the capabilities of the first telecommunications terminal by sending a query to the first telecommunications terminal (pg. 20, line 5-10).

As per claim 27, Mostafa teaches the address contained in the reference includes a URL (pg. 20, line 11).

As per claim 28, Mostafa teaches the encrypted user data object to be transmitted is also transmitted to the data provisioning component in addition in the request of the switching component to the data provisioning component (pg. 18, line 22).

As per claim 29, Mostafa teaches if the result of the check by the data provisioning component is negative, the information to the switching component contains a pointer to a data provisioning component from which the switching component can request a suitable user data object in accordance with the profile of the first telecommunications terminals (pg. 7, lines 26-27 and pg. 19, line 10).

As per claim 30, Mostafa teaches if the result of the check by the data provisioning component is negative, the information to the switching component contains a suitable user data object (pg. 7 lines 26-27 and pg. 19, line 12).

As per claim 31, Mostafa teaches the first telecommunications terminal, in response to the notification of the switching component concerning the provision of a suitable user data object, transmits a request for the suitable encrypted user data object to be sent to the switching component, and the switching component thereupon sends the suitable encrypted user data object to the first telecommunications terminal (pg. 7, lines 6-7).

As per claim 32, Mostafa teaches transmitting data to and from at least one of the first and second telecommunications terminals via an air interface (pg. 2, lines 12-13).

As per claim 33, Mostafa teaches at least one of the first and second telecommunications terminals comprise a radio module (pg. 2, lines 12-13).

As per claim 34, Mostafa teaches at least one of the first and second telecommunications terminals is a mobile telephone, a cordless telephone, or a portable computer. (pg. 2, lines 12-13).

As per claim 35, Mostafa teaches transmitting messages to and from at least one of the first and second telecommunications terminal using WAP protocols or Hypertext Transfer Protocol [URL] (pg. 20, line 11).

As per claim 36, Mostafa teaches the first telecommunications terminal is part of a first telecommunications network (pg. 2, lines 12-13).

As per claim 37, Mostafa teaches the first telecommunications network is a mobile radio network (pg. 2, lines 12-13).

As per claim 38, Mostafa teaches the first telecommunications network operates in GSM or UMTS standard (pg. 2, line 17).

As per claim 39, Mostafa teaches the switching component forms a part of a second telecommunications network that is connected to the first telecommunications network (Fig. 2).

As per claim 40, Mostafa teaches the second telecommunications network is a telecommunications network based on Internet protocols (pg. 20, lines 10-13).

As per claim 41, Mostafa teaches the second telecommunications network is a telecommunications network based on Hypertext Transfer Protocol (pg. 20, lines 10-15).

As per claim 42, Mostafa teaches the first and second telecommunications networks are connected to one another by way of a WAP gateway (pg. 2, lines 25-29 and pg. 17, lines 21-26). It is inherent that the relays are performing the function of a gateway more particularly MMC uses WAP “push”.

As per claim 44, Mostafa teaches the data provisioning component is a server of a content provider (pg. 1, lines 18- 22).

As per claim 45, Mostafa teaches the user data object contains text information, audio information, video information, an executable program, a software module, or a combination thereof (pg. 1, lines 24-27).

As per claim 46, Mostafa teaches a switching component, a data provisioning component, and at least one first telecommunications terminal (Fig. 2);

a switching component [MMS Replay A] of a telecommunications network, providing an user data object to be transmitted to the first telecommunications terminal with a reference [address] (pg. 7, lines 6-7);

determining, with the switching component, a profile [recipient data] (pg. 7, line 23) relating to capabilities of the first telecommunications terminal to process a user data object (pg. 6, lines 19-20);

transmitting, with the switching component, in accordance with an address contained in the reference for checking whether the user data object to be transmitted is

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suitable for processing by the first telecommunications terminal (pg. 7, lines 25 and pg. 17, lines 6-8);

transmitting, from the data provisioning component to the switching component, information relating to a result of the check on the suitability of the user data object to be transmitted for the first telecommunications terminal (pg. 6, lines 21-23 and pg. 19, line 5); and

processing, with the switching component, a user data object in accordance with the information relating to the check, and notifying the first telecommunications terminal thereof (pg. 7, line 5).

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Mostafa is silent in explicitly teaching transmitting by the switching a request together with the determined profile of the first telecommunications terminal to the data provisioning component. Mostafa does teach the relay [switching component] knows the capabilities of the device and that they are stored in the database at the server (page 19, lines 1-10). The question is then how did it acquire said capabilities. Kellerman teaches sending a profile of the device from the switching component to the server with the request to transcode the content into a format compatible with the device's system (col. 6, lines 50-61). This is one obvious way in which the system acquires knowledge of the device's usability of the user data object. The claim is obvious because one of ordinary skill in the art can combine known elements which produce predictable results. The result is predictable because the system of Mostafa already needed to know the device's capabilities and therefore sending the device's profile is an obvious way of performing the determination.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mostafa, Chang, and Kellerman as applied to claim 22 above, and further in view of USP Application Publication 2002/0077986 to Kobata et al, hereinafter Kobata.

As per claim 43, Mostafa, Chang, and Kellerman do not explicitly teach transmitting a rights object containing a key and usage rights for the assigned user data object. Kobata teaches following receipt of the encrypted user data object, transmitting a rights object containing a key and usage rights for the assigned user data object

(0108). Not only does Kobata teach encrypted data objects but also supplies a set of digital right governing the use of the encrypted data objects. The use of digital rights is well known in the art of security. Digital rights give the owner of such rights, control over how an end-user accesses the data objects. Mostafa teaches the use of subscription based control of data objects. This is one form of usage rights. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to transmit a rights object to the recipient because it would allow the creator of the content some control over how the content is used. Encryption is not enough to adequately protect content from piracy.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2431

/William R. Korzuch/

Supervisory Patent Examiner, Art Unit 2431